



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 19, 2005

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-03-31 (TIME EXTENSION)
550 PAULARINO AVENUE

DATE: APRIL 11, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754.5611

RECOMMENDATION:

Approve a one-year extension of time for the master plan amendment and variance from perimeter open space requirements.

BACKGROUND:

The project was recommended for approval by the Planning Commission on September 8, 2003 on a 4-1 vote (Commissioner DeMaio voting no) and approved by the City Council on October 6, 2003 on a 4-1 vote (Council Member Mansoor voting no).

On February 22, 2005, City Council considered the requested retroactive one-year extension of time for the above master plan amendment and variance to allow 70 one-garage spaces for an existing 276-unit apartment complex (Park Mesa Village). During the hearing, issues were raised by the Council members and the item was continued to the March 15, 2005 meeting on a 4-0 vote.

At the March 15, 2005 meeting, the item was continued to the meeting of April 19, 2005 at the request of the applicant. The previous agenda reports are attached to this memo for reference.

MEL LEE, AICP
Senior Planner

DONALD D. LAMM, AICP
Deputy City Mg./Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
City Clerk (2)
Staff (4)
File (2)

Kim Berry
Cameo Homes
1105 Quail Street
Newport Beach, CA 92660

ATTACHMENTS: 1. Draft City Council Resolution
2. Exhibit "A" Draft Findings
3. Exhibit "B" Conditions of Approval
4. March 15, 2005 and February 22,
2005 Agenda Reports

File Name: 041904PA0331	Date 041105	Time 1035a.m.
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RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA APPROVING AN EXTENSION OF TIME
FOR PLANNING APPLICATION PA-03-31**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Kim Berry, authorized agent for Cameo Homes, owner of real property located at 550 Paularino Avenue, requesting approval of a one-year extension of time for a master plan amendment and variances from perimeter open space requirements (20 feet required; 6 feet proposed), and to reduce the number of on-site parking by ten (10) spaces, in conjunction with the construction of 7 detached garages along a side property line (10 spaces per garage) for an existing residential development; and

WHEREAS, a duly noticed public hearing was held by the City Council on April 19, 2005.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby **APPROVES** the extension of time for Planning Application PA-03-31, to expire October 6, 2005 for the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-03-31 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 19th day of April, 2005.

ATTEST:

Deputy City Clerk of the City of
Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

FINDINGS

- A. The proposed use complies with the Costa Mesa Municipal Code Section 13-29(e) because:
- The use is compatible and harmonious with uses that exist in the general neighborhood.
 - Safety and compatibility of the design of the building, parking area, and other site features including functional aspects of the site development such as automobile and pedestrian circulation will remain unchanged.
 - The proposed use is consistent with the General Plan.
 - The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The master plan meets the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.
- C. The information presented with regard to the variance from perimeter open space requirements substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that there are special circumstances applicable to the property, such as unusual lot size, lot shape, topography, or similar features, where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity. Specifically, the proposed garages would not adversely affect residential properties because they abut the freeway off ramp, and would help buffer freeway noise since there are no freeway noise walls in this location. Additionally, denial of the variance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity, specifically, the 258-unit residential apartment project across the street from the subject property (Avalon Bay, formerly Mill Creek Apartments – 555 Paularino Avenue) which was allowed to convert carport and open parking spaces into 37 new garage spaces in 1991. As a result, the variance request does not constitute a grant of special privileges inconsistent with other properties in the vicinity and zone in which the property is situated.
- D. The information presented with regard to the variance to allow a reduction in the number of on-site parking spaces complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that there are special circumstances applicable to the property, where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity. Specifically, the site is legal nonconforming with regard to parking and the current project will not exacerbate the parking problem. The parking restrictions proposed by the applicant will address any future parking issues and the proposed project will be an improvement to the property.
- E. The project has been reviewed for compliance with the California Environmental

Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- PIng. 1. Garages shall maintain a 10' x 20' unobstructed area in the garage to allow parking of vehicles, and wall mounted storage lockers, a minimum of 4 feet from the ground and 3 to 4 feet in depth, to allow the parking of vehicles within the garage, shall be provided, subject to the review of the Planning Division.
2. The conditions of approval and ordinance or code provisions of Planning Application PA-03-31 shall be blueprinted on the face of the site plan.
3. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
4. All new construction shall be architecturally compatible with regard to building materials, style, colors, etc. with the existing structure(s). Exterior elevations shall be submitted for pre-plan check review and approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.
5. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis. This condition shall be completed under the direction of the Planning Division.
6. Parking referral signs shall be installed and shall include an on-site staff phone number. Applicant shall submit a Parking Management Plan to the Planning Division at their earliest convenience. It is also recommended that the applicant contact the adjacent apartment complex (The Avalon), in an effort to resolve some of the parking issues.
- Eng. 7. Maintain the site and public right-of-way in a "wet-down" condition during construction to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA DENYING A ONE-YEAR EXTENSION OF TIME
FOR PLANNING APPLICATION PA-03-31**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Kim Berry, authorized agent for Cameo Homes, owner of real property located at 550 Paularino Avenue, requesting approval of a one-year extension of time for a master plan amendment and variances from perimeter open space requirements (20 feet required; 6 feet proposed), and to reduce the number of on-site parking by ten (10) spaces, in conjunction with the construction of 7 detached garages along a side property line (10 spaces per garage) for an existing residential development; and

WHEREAS, a duly noticed public hearing was held by the City Council on April 19, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **DENIES** Planning Application PA-03-31 with respect to the property described above.

PASSED AND ADOPTED this 19th day of April, 2005.

ATTEST:

Deputy City Clerk of the City of
Costa Mesa

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

City Attorney

RECEIVED
CITY CLERK

Cameo Homes

05 MAR 16 PM 12:51

Memo

CITY OF COSTA MESA
BY _____

To: City of Costa Mesa, City Council Members, Planner Mel Lee
From: Kim Berry Cameo Homes
Date: 03/15/04
Re: Public Hearing for a one year extension of time for Planning Application PA-03-31

Dear Council Members...

I am requesting a continuance for the above mentioned public hearing. Due to illness with the CFO for Cameo Homes Victor Mahony.

Please accept this request to continue this public hearing as reference above, until such date of April 19, 2005.

Thank you for your time and consideration...


Kim Berry

Project Manager



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 15, 2005

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-03-31 (TIME EXTENSION)
550 PAULARINO AVENUE

DATE: MARCH 3, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754.5611

RECOMMENDATION:

Approve a one-year extension of time for the master plan amendment and variance from perimeter open space requirements.

BACKGROUND:

The project was recommended for approval by the Planning Commission on September 8, 2003 on a 4-1 vote (Commissioner DeMaio voting no) and approved by the City Council on October 6, 2003 on a 4-1 vote (Council Member Mansoor voting no).

On February 22, 2005, City Council considered the requested retroactive one-year extension of time for the above master plan amendment and variance to allow 70 one-garage spaces for an existing 276-unit apartment complex (Park Mesa Village).

During the hearing, issues were raised by the Council members and the item was continued to the March 15, 2005 meeting on a 4-0 vote.

ANALYSIS:

The issues raised in relation to the extension request included the following: (1) the basis for the approval of the original master plan amendment and variance; (2) the timing of requested extension in relation to the building plan check; and (3) impacts of the requested parking variance and tenant overflow parking on surrounding residential streets. These issues are discussed below.

Basis for Approval of Master Plan And Variance

When the master plan and variance were considered by the Planning commission in 2003, Commission recommended approval of the master plan amendment and variance

from open space requirements, but recommended denial of the variance from parking requirements, based on concerns of the impacts of the proposed parking reduction on surrounding residential streets.

When the project was considered by City Council, Council approved the master plan amendment and variance from open space requirements, as well as approval of the variance from parking requirements, on the basis that the proposed reduction would not exacerbate parking problems in the area, the parking controls proposed by the applicant would be adequate to address and parking problems, and the proposed garages were an improvement to the property.

Timing of Extension in Relation to the Building Plan Check

At February 22, 2005 the meeting, the applicant's representative claimed that she was unaware of the requirement to apply for an extension of the master plan amendment and variance, until after the original approval expired. However, when the project was approved in 2003, the applicant was provided a list of conditions of approval, code requirements, and special district requirements for the project (a copy of which is attached to this memo). Code requirement number 2 clearly stated that the project approval was valid for one year and would expire unless building permits were obtained or an extension granted. The below table summarizes the activity on the project since the approval:

3/4/04	Plans Submitted by Applicant for Plan Check
4/1/04	Applicant Notified Corrected Plans Ready to Be Picked Up
4/5/04	Plans Picked Up By Applicant
9/15/04	Corrected Plans Returned for Recheck – Extension of Time For Plan Check Requested
9/20/04	Notice Sent Via E-Mail and Placed in Permit System Reminding Applicant That PA-03-31 Will Expire 10/6/04 Unless Extension Requested by Applicant
10/6/04	PA-03-31 Expired
12/21/04	Retroactive Extension of PA-03-31 Filed By Applicant

Although staff believes that the applicant was provided with more than adequate notice of the pending expiration of the project, staff accepted the extension application retroactively on the basis that she mistakenly believed the building plan check time extension was the same as the planning application time extension.

Parking Impacts

As was the case with the original hearing for the project in 2003, several area residents expressed concerns over the impact of reducing the number of parking spaces for the project and the potential of overflow parking on surrounding residential streets. Staff will be conducting a photo survey of the surrounding streets during various times of the day over the course of the next week and will provide this information and photographs at the March 15, 2005 meeting.

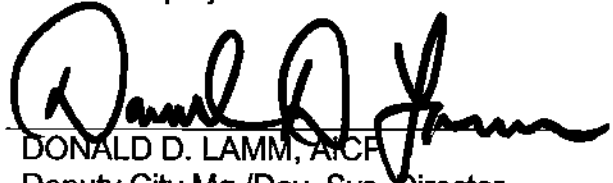
ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

1. Approve the time extension, which would allow the applicant to obtain building permits and construct the project; or
2. Deny the time extension, which would not allow the project to be constructed.



MEL LEE, AICP
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mg./Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
City Clerk (2)
Staff (4)
File (2)

Kim Berry
Cameo Homes
1105 Quail Street
Newport Beach, CA 92660

ATTACHMENTS: 1. Conditions of Approval, Code
Requirements, and Special District
Requirements
2. February 22, 2005 Agenda Report

File Name: 031505PA0331EXT

Date 030305

Time 500p.m.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- | | |
|-------|--|
| Plng. | <ol style="list-style-type: none"> 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained. 2. Approval of Planning Application PA-03-31 is valid for one (1) year and will expire at the end of that period unless building permits are obtained, or the applicant applies for and is granted an extension of time. 3. Development shall comply with all requirements of Section 13-32 and Chapter V, Article 2, of Title 13 of the Costa Mesa Municipal Code relating to development standards for residential projects. 4. Development shall comply with the requirements of Section 13-85(c), Chapter VI, Article 1, of Title 13 of the Costa Mesa Municipal Code relating to availability of parking to residents. 5. Minimum garage door widths shall be 8 feet. 6. All garages shall be provided with automatic garage door openers. 7. Provide a minimum 25-foot backup distance for all parking spaces. |
| Bldg. | <ol style="list-style-type: none"> 8. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations". |
| Eng. | <ol style="list-style-type: none"> 9. At the time of development, submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, both prepared by a civil engineer or architect. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay off-site plan check fee to the Engineering Division. An approved off-site plan and fee shall be required prior to engineering/utility permits being issued by the City. 10. A site access permit and deposit of \$2000.00 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work. |

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- Sani. 1. Developer shall contact the Costa Mesa Sanitary District at (949) 631-1731 for current district requirements.
- Water 2. Applicant is reminded that additional conditions of development may be imposed by Mesa Consolidated Water District (949) 631-1200 and/or other serving utilities. Subject to approval by the board of directors, Mesa Consolidated Water District may require payment of a developer impact fee prior to installation of water service or construction of required master plan facilities.
- AQMD 3. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
- School 4. Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.
- CDFA 5. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS
REPORT, PLEASE CONTACT THE CITY CLERK'S
OFFICE AT (714) 754-5121**